

### **REMARKS**

The present invention relates to a built-in lamp which avoids illuminant glare effects through the use of dark-light principles, while providing a natural ceiling brightening. There have been previously known dark-light lamps which avoid glare effects by arranging the illuminant and the reflector in such a manner that the illuminant can no longer be seen from a specific angle of view and thus cannot develop any glare effects. These dark-light lamps, however, result in the ceiling region surrounding the dark-light lamp remaining largely non-illuminated. Prior art attempts to alleviate this problem require a partially or completely frosted glass plane secured to the reflector opening in order to generate diffused light. As such, the portion of the direct light is thus partially or completely reduced which is of itself disadvantageous.

The present invention overcomes these previously known disadvantages of the prior known dark-light lamps by providing a built-in lamp having a holder for fastening in an installation surface (e.g. a room ceiling) and a reflector, which are arranged relative to one another such that the reflector extends beyond the installation surface in the main direction of illumination. The reflector is secured to a reflection element, which extends perpendicular or at an angle to the main direction of illumination, at the region of the reflector which extends beyond the installation surface.

The reflection element is illuminated by the light from the region lying between the installation surface and the reflection element itself. The light is provided by at least one of the reflector being made translucent or transparent at least in the region extending from the installation surface to the reflection element, or by providing the built-in lamp with an additional light discharge region which extends around an outer perimeter of the reflector to surround the reflector at least regionally so that the reflection element is illuminated by a portion of the light. The light which is provided by the transparent or translucent reflector, or the additional light discharge region reflects

off the reflection element in the direction of the installation surface. In this manner, the installation surface is lighted from below which results in a natural ceiling brightening without a decrease in direct light.

The claims of the instant application have now been carefully amended in order to more clearly and distinctly define the Applicant's invention over the cited prior art. In particular, independent claim 21, the only independent claim in the instant application, has been amended to clarify that the reflection element is illuminated by light via the region lying between the installation surface and the reflection element, wherein the light is provided by at least one of said reflector, which is made translucent or transparent at least sectionally in its region extending between the installation surface and the reflection element, or an additional light discharge region which extends around an outer perimeter of the reflector to surround the reflector at least regionally, so that the reflection element is illuminated by a portion of the light.

In addition, claims 21, 26, 28, 32, 36, 37 and 38 have been amended to overcome the 35 U.S.C. §112, second paragraph, rejections, in a manner consistent with the Patent Examiner's suggestions.

In the Office Action of June 27, 2008 the Patent Examiner has rejected claims 21-31, 35 and 37-40 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,186,433 A to Baldwin. However, in view of Applicant's amendments to independent claim 21, Applicant respectfully submits that this basis for rejection can no longer stand and should be withdrawn.

Specifically, the Patent Examiner has indicated in section 2, page 3 of her June 27, 2008 Office Action that:

Baldwin teaches a built-in lamp having a holder (5) for fastening in an installation surface (4) ... having a reflector (12), wherein the holder and reflector (12) are arranged relative to one another such that the

reflector (12) extends beyond the installation surface (4) in a main direction of illumination ...

Applicant, however, respectfully submits that the Patent Examiner is mistaken.

More specifically, the Baldwin patent does not disclose a reflector which extends beyond the installation surface, but rather discloses a reflector mounted in a housing suspended below an installation surface. The Patent Examiner has mistakenly regarded the reflector of the instant application as being equivalent to the element 12 of Baldwin as seen in Figure 1. However, the element 12 of the Baldwin patent indicates "circumferentially spaced hangers 12, typically three, which engage hooks 13 or the like secured to rim 11b of the semi-transparent reflector 11," (column 2, lines 31-35). Hence, the Baldwin patent discloses a built-in lamp with a region between the "installation surface" (ceiling panel 4) and a "reflection element" (rim 11b) which is free of any reflectors and in which only the hangers 12 are located. Therefore, the Baldwin patent does not disclose a reflector which extends beyond the installation surface. Rather, the reflector disclosed in the Baldwin patent is mounted within a housing 10 which is suspended from the "installation surface" by the circumferentially spaced hangers 12.

Further, as the Baldwin patent does not disclose a reflector extending beyond the installation surface, the reference fails to disclose each and every limitation of claim 21, specifically, that the reflection element is illuminated by light via the region between the installation surface and the reflection element, the light being provided by at least one of the reflector, which is made translucent or transparent or an additional light discharge region which extends around an outer perimeter of the reflector. In the Baldwin patent, the light that illuminates the rim 11b, which the Patent Examiner equates to the claimed reflection element (6, 15), is provided by the illuminant directly, as clearly seen in Figure 1.

In addition, the Baldwin patent discloses that the region between the installation surface and the rim 11b is free of any other reflectors, besides the hangers 12. As such, a significant portion of the light emitted by the lamp is directed to the region between the installation surface and the rim 11b, as seen in Figure 1 by rays C, D, and E. In sharp contrast to this, only a small portion of the light emitted by the illuminant of the instant application is transmitted via the translucent or transparent reflector or by the additional light discharge region to the reflection element. Further, before any light enters the region between the installation surface and the reflection element it must first pass through the reflector or the additional light discharge region. Therefore, the built-in lamp disclosed in the Baldwin patent is unable to influence the light which is directed at the region between the installation surface and the reflector rim, such as to achieve various mood or color effects.

In regard to claim 29, the Patent Examiner has once again equated the reflector of the instant application with the hangers (FIG. 1, item 12) of the Baldwin patent. The actual reflector disclosed in the Baldwin patent is a dish-shaped reflector having a concave central portion (column 2, lines 26-28). In sharp contrast, the reflector of claim 29 has a first reflector opening disposed in the main direction of illumination and a second reflector opening disposed opposite to the main direction of illumination with an additional reflector being associated with the second reflector opening. Therefore, the Baldwin patent does not disclose each and every limitation of claim 29 as required in order to anticipate the claim, as the Baldwin patent only discloses a reflector with one opening disposed opposite to the main direction of illumination.

Further, it would not have been obvious to modify the Baldwin patent to include a reflector opening disposed in the main direction of illumination. In particular, the Baldwin patent discloses a dish-shaped reflector which has a concave central portion in the main direction of illumination in

order to shield an observer from the brightness of high pressure sodium vapor and metal halide (high intensity) gaseous discharge lamps. Since the purpose of the reflector of the Baldwin patent is to shield a user from the brightness of these high intensity lamps, it would not have been obvious to one of ordinary skill in the art to modify the reflector of the Baldwin patent to include a reflector opening in the main direction of illumination, because such a modification would reduce the shielding affect of the Baldwin patent and consequently impair a primary purpose of the Baldwin patent.

In view of the foregoing, Applicant respectfully submits that independent claim 21, as amended, patentably defines Applicant's invention over the cited prior art references and is, therefore, allowable. All remaining claims in the application depend from independent claim 21 and are, therefore, also allowable.

For the reasons stated above, Applicant respectfully submits that this case is in condition for formal allowance and such action is respectfully solicited.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-1180.

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Respectfully submitted,

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